



put into the Estate in order for it to be closed. To date, the considerable costs of defending the Estate have been borne by the personal representative of the Estate, Daniel Green. Given that the Estate has no funds to continue its defense, and based on the very significant costs which would be necessary to oppose the government's Motion, as well as to continue this litigation, the Estate has no alternative but to allow judgment to be entered against it.

Therefore, while this response should not be taken as an admission of liability, the Estate of Maurice Green must regretfully state that it is unable to respond to the United States' Motion for Summary Judgment.

Respectfully submitted,

/s/ David J. Schmitt

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Trial Attorney for Defendants the Estate of  
Maurice Green and Daniel Green, in his  
capacity as the personal representative of the  
Estate of Maurice Green

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served electronically on this 9<sup>th</sup> day of August, 2004, upon the following:

Jeffrey Spector, Esq.  
Environmental Enforcement Section  
Environmental and Natural Resources Division  
U.S. Department of Justice  
Ben Franklin Station, P.O. Box 7611  
Washington, D.C. 20044; and

David A. Owen, Esq.  
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Lexington, Kentucky 40507.

/s/ David J. Schmitt  
David J. Schmitt